



City of Gloucester

City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930
Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, February 8, 2010 – 6:00 PM

Council Committee Room - First Floor - City Hall, 9 Dale Avenue

AGENDA

1. Unfinished Business:
 - A) Order: CC200-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (continued from 01/25/2010)
2. **Appointments:**

John McElhenny	Open Space Committee	TTE 02/14/2013
Dean Murray	Open Space Committee	TTE 02/14/2013
3. Memo from Operations Manager-Public Properties re: Proposed changes to Beach and Stage Fort Park Regulations
4. Memo from General Counsel: Amendment to GCO Section 2-577
5. **Management Reappointments:**

Chief Administrative Officer	James A. Duggan	TTE 02/14/2011
Chief Financial Officer	Jeffrey C. Towne	TTE 02/14/2011
General Counsel	Suzanne Egan	TTE 02/14/2011
Community Development Dir.	Sarah Garcia	TTE 02/14/2011
Personnel Director	David J. Bain, Jr.	TTE 02/14/2011
Purchasing Agent	Donna M. Compton	TTE 02/14/2011
Building Inspector	William Sanborn	TTE 02/14/2011
Director of Public Works	Michael B. Hale	TTE 02/14/2012
Principal Assessor	Nancy Papows	TTE 02/14/2013
6. CC2010-003 (Mulcahey) Amend GCO Sec. 22-269 "Stop Intersections: re: Flanagan Square
7. CC2010-004 (Mulcahey) Amend GCO Sec. 22-270 "Parking Prohibited at all times" and Sec. 22-292 "Fire Lanes" re: Commercial Street
8. CC2010-005 (McGeary) Amend GCO Sec. 22-287 re: one handicapped space in front of 12 Webster Street
9. CC2010-008 (Mulcahey) Amend GCO Sec. 22-287 re: one handicapped space across from 11 School Street
10. CC2010-007 (Tobey) Review of City Charter concerning proposed amendments or revisions
11. CC2010-009 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations
12. Memo from CAO and RFP "To Provide Public Relations, Communications and Media Support for City - Update
13. Other Business

COMMITTEE

Councilor Sefatia Theken, Chair

Councilor Ann Mulcahey, Vice Chair

Councilor Bruce Tobey

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor, Jim Duggan; Jeffrey Towne; Suzanne Egan; Chief Michael Lane; Sarah Garcia; David J. Bain, Jr.; Donna Compton; Bill Sanborn; Mike Hale; Mark Cole; Nancy Papows; Linda T. Lowe; Bob Ryan

CITY CLERK
GLOUCESTER, MA
10 FEB -4 PM 12:00

LAW DEPARTMENT

MEMORANDUM

TO: President and Members of the City Council
By: Dana Jorgensson, Clerk of Committees

FROM: Suzanne P. Egan *SPE*
General Counsel

RE: Removal of position of Chief of Police from Civil Service

DATE: January 29, 2010

Please find enclosed the legal opinion of the Human Resources Division upholding the process through which the City removed the Chief of Police position from Civil Service.

Should you have any questions, please do not hesitate to call.

Enclosure



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
HUMAN RESOURCES DIVISION
ONE ASHBURTON PLACE, BOSTON, MA 02108

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

JAY GONZALEZ
Secretary

PAUL DIETL
Chief Human Resources Officer

January 28, 2010

John Becker, Esq.
Sandulli Grace, PC
One State Street, Suite 200
Boston, MA 02109

Suzanne Egan, General Counsel
City of Gloucester, City Hall
Nine Dale Avenue
Gloucester, MA 01930

Re: Removal of position of Chief of Police from civil service

Dear Attorney Becker and Attorney Egan:

Please be advised that upon review of documents provided by the City of Gloucester ("City") and Attorney Becker as well as the law during the relevant time period, it is the opinion of this office that the City properly removed the position of Chief of Police from civil service. A copy of all documents provided by the parties is enclosed.

A review of presently available records reveals the following:

On March 27, 1918, the state Legislature approved a special act making the Chief of Police a civil service position. See Chapter 99 of the Special Acts of 1918. Subsequently, on February 8, 1929, the Legislature adopted another special act, which repealed the 1918 special act and removed the Chief of Police position from civil service. See Chapter 25 of the Acts and Resolves of 1929. From 1929 until 1978, Chapter 31, Section 49 stated, "[t]his chapter and the rules made hereunder shall apply to superintendents, chiefs of police, and chief marshals...in towns which have a police force subject to this chapter, and which have...accepted this section by vote at an annual town meeting."¹ See id. According to City records, on June 8, 1976, the

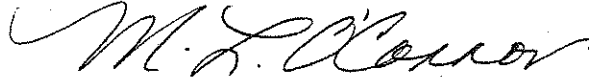
¹ The version of § 48 which currently exists was first put into Chapter 31 by Chapter 393, Section 11 of the Acts of 1978. Under the current version of c. 31, § 48, the titles within the enumerated list of exempted positions in cities and towns may be expressly made subject to the civil service law and rules by statute. The enumerated list includes the position of police chief. Accordingly, under the current version of c. 31, § 48, in order for a city or town to place the positions of police chief within the civil service, a statute must be enacted to do so. Since that time, § 48 has been amended, but the portions relating to the statute being required and the position of the police chief has remained intact.

City voted to make the position of Chief of Police subject to civil service law.

Pursuant to M.G.L. c. 4, § 4B, where a municipality has previously accepted the provisions of a statute and now seeks to rescind such acceptance, the city may revoke the statute, "in the same manner as it was accepted by such city, town, or municipality." As this rule applies to cities and towns that have taken action since the passage of Chapter 393, Section 11 of the Acts of 1978 to place positions within the civil service, a statute will be required to rescind acceptance since a statute was required in the first place. As this rule applies to cities and towns that took action prior to the passage of this Act, the city or town must take whatever action it took when it originally placed the position in question under the civil service law and rules. Thus, where the original acceptance occurred after July 12, 1978, a special act of the legislature will be required to remove the position from the civil service. However, where the original acceptance occurred before July 12, 1978, such is the present case, if no special act was passed by the legislature at the time, one will not be required now to remove the position from the civil service.

Therefore, based solely on the information currently available, it is the opinion of the Human Resources Division that the Chief of Police position was properly removed from civil service law and rules.

Very truly yours,



Martha Lipchitz O'Connor
Labor Counsel

Enclosures.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978 281-9727
FAX 978 281-9734

CITY OF GLOUCESTER
DEPARTMENT OF LAW

December 4, 2009

Attorney Martha O'Connor
Human Resources Division
One Ashburton Place, Room 201
Boston, MA 02108

RECEIVED
DEC. 07. 2009
BY: _____

Re: Gloucester Superior Officers Association
Removal of Chief from Civil Service

Dear Attorney O'Connor:

This is in response to your request for information regarding the process through which the City of Gloucester intends to remove the position of Police Chief from Civil Service.

History

In 1976 the City of Gloucester, by ballot measure, voted 5,448 in favor, 3,451 opposed and 678 blank to accept the provisions of M.G.L. chapter 31, §48 placing the position of Chief of Police in the City of Gloucester under Civil Service (copy attached).

The City of Gloucester Charter at Section 9-5 provides, in essence, that the City Council may, of its own motion, submit to a vote the adoption or rejection at a general or special election any proposed measure or proposition for the repeal or amendment of any measure in that same manner and with the same force and effect as are hereby provided for submission of a petition (copy attached).

Mass. General Laws chapter 4, §4B provides that the acceptance of a statute may be rescinded in the same manner in which it was accepted.

Chapter 31, §48 as it pertains to the position of police chief was accepted by a measure placed on the ballot.

In Nat'l Assoc. of Gov't Employees Local R1-162 v. Labor Relations Commission, 17 Mass.App.Ct. 542 (1984), the school committee caused to be placed on the ballot during a referendum election question, which if affirmed, would rescind the town's acceptance

of civil service coverage for certain future employees of the town. The issue before the court was whether the town was under a duty to bargain over placing the measure on the ballot. The court held that it did not. This case is relevant to the extent that it upholds the process through which the town placed the issue on the ballot, through school committee vote. The court noted that as of 1980 municipalities are empowered to rescind the adoption of local option laws as easily as they may adopt such laws (a copy of the decision is enclosed).

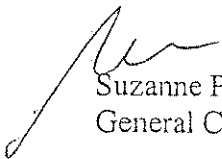
On March 10, 2009, the City Council voted as authorized under the charter to place the question of whether the civil service provision as applied to the position of police chief should be rescinded (a copy of the certificate of vote is enclosed). On March 19, 2009, the Mayor approved the measure.

On November 3, 2009, the measure was placed on the ballot. By a vote of 3,049 in favor and 1,782 opposed the measure passed.

As indicated by the supporting documents enclosed, the City of Gloucester properly placed the measure on the ballot and the action revoking the civil service protections from the Police Chief's position was appropriate.

Should you have any further questions, please do not hesitate to contact me.

Very truly yours,



Suzanne P. Egan
General Counsel

SPE/kml

Enclosures

and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) *Certain Initiative Procedures to Apply* — The petition described in this section shall be termed a referendum petition and insofar as applicable sections 9-2(a), (b), and (f), shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

State law reference—Provisions relating to referendum petitions, M.G.L.A. c. 43, § 42 et seq.

Section 9-4. Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the organization or operation of the city council or school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriations for the payment of the city's debts or obligations, (6) appropriations of funds necessary to implement a written agreement executed under collective bargaining, (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedure and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

Section 9-5. Submission of Proposed Measure to Voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 9-6. Measures with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 9-7. Advisory Questions to Voters.

At each regular city election there may appear on the ballot up to three non-binding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal with the affairs of the city in general. The third question may

Westlaw.

460 N.E.2d 619

17 Mass.App.Ct. 542, 460 N.E.2d 619, 119 L.R.R.M. (BNA) 2158

(Cite as: 17 Mass.App.Ct. 542, 460 N.E.2d 619)

Page 1

▷

Appeals Court of Massachusetts,
Suffolk.

NATIONAL ASSOCIATION OF GOVERNMENT
EMPLOYEES, LOCAL R1-162,

v.

LABOR RELATIONS COMMISSION.

Argued Sept. 14, 1983.

Decided March 2, 1984.

Union filed a charge of a prohibited practice with Labor Relations Commission alleging that school committee had violated duty to bargain in good faith by causing to be placed on ballot during referendum election a question which, if affirmed, would rescind town's acceptance of civil service coverage for certain future employees of town. The Commission determined that committee had not violated its duty, and appeal was taken. The Appeals Court, Suffolk County, Brown, J., held that school committee did not violate duty to bargain in good faith by acting to place civil service revocation question before town voters without first bargaining with union representing the affected employees.

Affirmed.

West Headnotes

[1] ⚡ 1265

231H Labor and Employment

231HXII Labor Relations

231HXII(E) Labor Contracts

231Hk1252 Validity or Propriety

231Hk1265 k. Public Employment.

Most Cited Cases

(Formerly 232Ak248.1, 232Ak248 Labor Relations)

If a statute specifically mandating certain terms and conditions of employment is not listed in statute providing that where there is a conflict between terms and conditions of employment contained in a

collective bargaining agreement and those contained in certain enumerated statutes, terms of collective bargaining agreement will prevail, the non-listed statute cannot be superseded by a bargaining agreement, and thus public employer and union are incapable of amending that statute's requirements through bargaining. M.G.L.A. c. 150E, § 7(d).

[2] ⚡ 1483(4)

231H Labor and Employment

231HXII Labor Relations

231HXII(G) Unfair Labor Practices

231Hk1479 Refusal to Bargain

231Hk1483 Conduct Constituting Refusal

231Hk1483(4) k. Particular Subjects of Bargaining. Most Cited Cases

(Formerly 232Ak389 Labor Relations)

School committee did not violate duty to bargain in good faith by acting to place civil service revocation question before town voters without first bargaining with union representing the affected employees. M.G.L.A. c. 31, §§ 52, 53; c. 150E, §§ 6, 7(d).

**620 *542 Ira B. Sutton, Brighton, for plaintiff.

Jean Strauten Driscoll, Boston, for defendant.

Before HALE, C.J., and CUTTER and BROWN, JJ.

BROWN, Justice.

The plaintiff (union) filed a charge of a prohibited practice with the Labor Relations Commission (commission), alleging that the Weymouth school committee (committee) had violated G.L. c. 150E, § 10(a)(1) and (5), when it caused to be placed on a ballot during a referendum election a question which, if affirmed, would rescind the town's acceptance of civil service coverage for certain future employees of the town.

460 N.E.2d 619

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This appeal concerns a final decision of the commission which determined that the committee had not violated its duty to bargain in good faith by placing the referendum before the voters without first bargaining with the union, but had violated c. 150E, § 6, by its refusal to bargain over the *impact* of the voters' decision.^{FN1} One member of the *543 commission dissented. The dispositive question on appeal is whether the committee violated its duty to bargain in good faith by acting to place the civil service revocation question before the voters of the town without first bargaining with the union representing the affected employees.

FN1. As only the union has taken an appeal to this court, we have no occasion to review this aspect of the commission's decision.

In December, 1980, the union notified the committee that the union wished to commence negotiations to revise the terms and conditions of the existing collective bargaining agreement. In its response, the committee indicated a willingness to commence negotiations as soon as the union was ready to do so. However, about two weeks later, on January 16, 1981, the committee, without notification to the union, requested the board of selectmen to certify a question on the ballot for a referendum election to be held on May 18, 1981. In essence, the question asked the voters of the town whether they wished to retain civil service status for certain employees of the committee who would be employed in the union's bargaining unit. The parties met and negotiated, agreeing in substance to a new collective bargaining agreement. To this point there had been no discussion of the subject of the ballot question. Upon learning of the existence of the question on the ballot, the union immediately made a written demand upon the committee: (1) to bargain with the union regarding the decision to revoke civil service rights of school custodians, the impact and implementation of such a decision, and any plan to replace civil service rights; and (2) to take the necessary action to remove this ballot question pending

completion of the negotiations. Having received no response to its demands, the union filed a charge of a prohibited practice. An investigation was conducted by the commission, and, after a complaint had been issued, a formal hearing was scheduled, and the decision referred to above ensued. In the interim a majority of the voters of the town answered the question regarding revocation of civil service status in the affirmative. We affirm the commission's ruling, although on somewhat different grounds.

****621 *544** Pursuant to § 6 of c. 150E, inserted by St.1973, c. 1087, § 2, a municipal employer must negotiate with the exclusive bargaining representative of its employees over "wages, hours, standards of productivity and performance and any other terms and conditions of employment." This case touches on the public employer's duty to bargain as to such mandatory bargaining issues when there is a statute which regulates these issues. Section 7(d) of c. 150E provides that, where there is a conflict between the terms and conditions of employment contained in a collective bargaining agreement and those contained in certain enumerated statutes, the terms of the collective bargaining agreement will prevail. Therefore, where the applicable statute covering the work relationship is listed in § 7(d), the parties can supersede the requirements of the listed statute through bargaining. Consequently, the existence of such a statute has no effect on the parties' duty to bargain. See *Labor Relations Commn. v. Natick*, 369 Mass. 431, 438, 339 N.E.2d 900 (1976).

[1] If a statute specifically mandating certain terms and conditions of employment is not listed in § 7(d), the statute cannot be superseded by a bargaining agreement. See *School Comm. of Holyoke v. Duprey*, 8 Mass.App. 58, 64, 391 N.E.2d 925 (1979) (statute not listed in § 7[d] held to preempt a provision in bargaining agreement). Compare *Burlington v. Labor Relations Commn.*, 390 Mass. 157, 163, 454 N.E.2d 465 (1983). Where such a statute is in place, therefore, the public employer

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and union are incapable of amending the statute's requirements through bargaining. Consequently, neither party has a duty to bargain as to the subject matter of the statute, notwithstanding that this subject matter refers to what otherwise would be mandatory issues of bargaining. See *School Comm. of Newton v. Labor Relations Commn.*, 388 Mass. 557, 566, 447 N.E.2d 1201 (1983) ("[a] school committee need not bargain concerning specific statutory requirements or limitations not listed in § 7(d)").

[2] In the instant case, the town had previously voted to accept the provisions of the general civil service statute to cover certain town employees. See G.L. c. 31, §§ 52, 53. *545 Because c. 31 is not listed in § 7(d), the provisions of that statute cannot be superseded by bargaining while the statute is in effect. The commission reasoned that because the union was powerless to offer the relief sought by the committee, the committee should have no duty to bargain before seeking relief from the local electorate, the one body that had authority to grant it. Particular attention must be paid to the exact nature of the violation alleged. The union is contesting the committee's failure to bargain over its decision to seek rescission of local approval of the law.

In *School Comm. of Medford v. Labor Relations Commn.*, 8 Mass.App. 139, 142 n. 6, 392 N.E.2d 541 (1979), *Id.* 380 Mass. 932, 401 N.E.2d 847 (1980), we discussed the role of the school committee in the local legislative process. In stating that a school committee can agree to "use its best efforts to secure adoption of [the applicable local option law]," we recognized that initiation and support of local legislative action bearing on the terms and conditions of public employment is a permissible subject of collective bargaining. The question before us is whether, in the circumstances of this case, a committee's efforts to effect such local legislative change rose to a mandatory-and not simply a permissive-subject of bargaining.

In initiating the referendum question to rescind loc-

al adoption of the civil service statute, the committee obviously was seeking to alter the terms and conditions of employment covered by the law, many of which the commission concedes have been recognized as mandatory bargaining issues. The union argues that it must follow that the committee's efforts amounted to prohibited "unilateral action" affecting mandatory issues of bargaining. We decline to accept this reasoning.

The committee could not rescind local adoption of the civil service statute. That **622 act was-and could only be-accomplished by the vote of the local electorate. Generally, the local legislative body has an extremely limited role in the process of determining terms and conditions of employment of public employees. Under § 7(d), all municipal ordinances, *546 by-laws, rules, and regulations are explicitly superseded by bargaining agreements as to the important, mandatory bargaining issues covered by § 6. The circumstances as to local option laws are different, however. Such laws afford the municipality significant opportunities to affect directly the terms and conditions of public employment. Where a local option law is not listed in § 7(d), by accepting the mandates of the law a municipality can regulate the employment relationship, as the covered subject matter is effectively removed from the bargaining table. Alternatively, once a local option law has been accepted, the municipality can in effect wipe the slate clean by rescinding the acceptance of the law, thereby throwing the covered subject matter back into the realm of bargaining.^{FN2}

FN2. Until recently, a municipality was generally powerless to revoke acceptance of a local option law. See, e.g., *Chief of Police of Dracut v. Dracut*, 357 Mass. 492, 496-497, 258 N.E.2d 531 (1970). With the passage of St.1979, c. 151, § 14, and the advent of Proposition 2 1/2 (St.1980, c. 580, § 5), municipalities are now empowered to rescind the adoption of local option laws as easily as they may adopt such laws.

460 N.E.2d 619

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We think that the current statutory framework reveals a clear intention to commit the decision whether to offer the benefits provided by local option laws, such as the civil service statute, to the local legislative body. Certainly, it was to the committee's advantage to take this action, but that gave the committee no unfair advantage.^{FN3} Once the question was on the ballot, the union had a fair and equal chance to persuade the electorate not to rescind adoption. The people simply chose otherwise.^{FN4}

FN3. Contrast situations where an employer unilaterally exercised its power to change mandatory bargaining issues without properly first submitting those changes to bargaining. See generally, *National Labor Relations Bd. v. Katz*, 369 U.S. 736, 743, 82 S.Ct. 1107, 1111, 8 L.Ed.2d 230 (1962).

FN4. Many municipalities have not accepted the provisions of the civil service statute. Had we reached a contrary result in the case at hand, it would follow that unions could not move for local acceptance of the civil service statute in those municipalities without first submitting a decision to do so to collective bargaining.

Decision affirmed.

Mass.App., 1984.

National Ass'n of Government Employees, Local R1-162 v. Labor Relations Com'n

17 Mass.App.Ct. 542, 460 N.E.2d 619, 119 L.R.R.M. (BNA) 2158

END OF DOCUMENT

City of Gloucester

Warrant for city election - June 8, 1976 (continued)

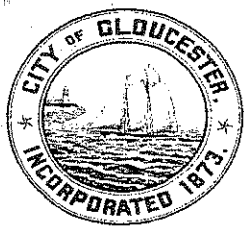
Summary of Question #1

Section 48 of Chapter 31 of the General Laws provides that, upon acceptance thereof by the voters of the city, the office of the Chief of Police shall be made subject to the provisions of General Laws, of which govern the qualifications and testing of candidates for that office, the tenure of incumbents, and rules relative to discharge, removal, and other incidents of employment in that office.

This position shall be filled by departmental examination in accordance with Chapter 31, Section 20 of the General Laws.

Question #2

"Shall the city of Gloucester adopt a year-round Dog Control Ordinance?"



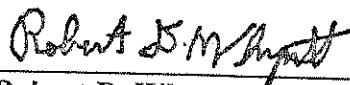
Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2009-027

The Gloucester City Council, at a meeting held on, **TUESDAY, March 10, 2009** at 7:00 p.m. In the Fred J. Kyrouz Auditorium, City Hall voted to approve the following action:

IN CITY COUNCIL:

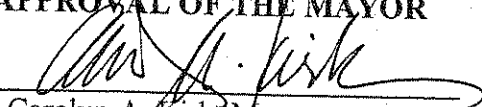
MOTION: On motion of Councilor Foote, seconded by Councilor George the City Council voted 9 in favor, 0 opposed to place the following binding question on the November ballot: Shall the City of Gloucester rescind the provisions of Chapter 31, section 48 and section 59, formerly section 20 of the General Laws thereby the position of Chief of Police in the City of Gloucester shall be exempt from civil service law.

Summary of Question #1 Section 48 of Chapter 31 provides that the position of Police Chief is subject to the civil service law. By rescinding the civil service law for the position, the position is no longer subject to the rules and regulations of civil service law. Section 20 required the position to be filled from within the department. By rescinding section 20, the position of the Police Chief will be open to all qualified candidates.



Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR


Carolyn A. Kirk, Mayor

VETOED BY THE MAYOR

Carolyn A. Kirk, Mayor

SIGNED THIS 19 **DAY OF** Mar, 2009

All Ordinances shall become effective 31 days after passage except:
Emergency Orders shall become Effective Next Day
Zoning Changes shall be Effective Next Day.

SUMMARY REPORT

CITY OF GLOUCESTER, MASSACHUSETT

CITY ELECTION

TUESDAY, NOVEMBER 3, 2009

RUN DATE:11/03/09 11:39 PM

VOTES PERCENT

VOTES PERCENT

PRECINCTS COUNTED (OF 10)	10	100.00
REGISTERED VOTERS - TOTAL	19,900	
BALLOTS CAST - TOTAL	5,131	
BALLOTS CAST - WARD 1	1,274	
BALLOTS CAST - WARD 2	690	
BALLOTS CAST - WARD 3	805	
BALLOTS CAST - WARD 4	1,238	
BALLOTS CAST - WARD 5	1,124	
VOTER TURNOUT - TOTAL		25.78

MAYOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

CAROLYN A. KIRK	3,402	66.30
WRITE-IN	537	10.47
Blanks	1,192	23.23
Total	5,131	100.00

COUNCILOR AT LARGE FOR TWO YEARS

VOTE FOR NOT MORE THAN 4

BRUCE H. TOBEY	2,816	13.72
JOSEPH A. CIOLINO	2,862	13.94
ROBERT D. WHYNOTT	3,045	14.84
SEFATIA ROMEO-THEKEN	3,307	16.11
JASON M. GROW	2,797	13.63
WRITE-IN	38	.19
WRITE-IN	7	.03
WRITE-IN	2	.01
WRITE-IN	1	
Blanks	5,649	27.52
Total	20,524	100.00

WARD COUNCILOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

PAUL M. McGEARY	853	66.95
WRITE-IN	14	1.10
Blanks	407	31.95
Total	1,274	100.00

WARD COUNCILOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

ANN FRONTIERO MULCAHEY	368	53.33
ROGER A. HUSSEY	244	35.36
WRITE-IN	3	.43
Blanks	75	10.87
Total	690	100.00

WARD COUNCILOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

STEVEN A. CURCURU	529	65.71
WRITE-IN	20	2.48
Blanks	256	31.80
Total	805	100.00

WARD COUNCILOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

JACKIE HARDY	928	74.96
WRITE-IN	18	1.45
Blanks	292	23.59
Total	1,238	100.00

WARD COUNCILOR FOR TWO YEARS

VOTE FOR NOT MORE THAN 1

GREGORY P. VERGA	678	60.32
PHILIP J. DEVLIN	282	25.09
WRITE-IN	10	.89
Blanks	154	13.70
Total	1,124	100.00

SCHOOL COMMITTEE FOR TWO YEARS

VOTE FOR NOT MORE THAN 6

NANCY B. HARRISON	2,474	8.04
MELISSA J. TEIXEIRA	2,726	8.85
ROGER B. GARBERG	3,002	9.75
MICHELLE M. SWEET	2,569	8.34
AMY-BETH HEALEY	2,491	8.09
VALERIE H. GILMAN	3,077	9.99
KATHLEEN A. CLANCY	2,983	9.69
WRITE-IN	27	.09
WRITE-IN	11	.04
WRITE-IN	6	.02
WRITE-IN	6	.02
WRITE-IN	3	.01
WRITE-IN	3	.01
Blanks	11,408	37.06
Total	30,786	100.00

QUESTION

VOTE FOR NOT MORE THAN 1

YES	3,049	59.43
NO	1,782	34.74
Blanks	299	5.83
Total	5,130	100.00

DAN Rubenti 249 Hand Count

SANDULLI GRACE, PC

ONE STATE STREET
SUITE 200
BOSTON, MASSACHUSETTS 02109

JOSEPH G. SANDULLI
KENNETH A. GRACE
ALAN H. SHAPIRO
SUSAN F. HORWITZ
AMY LAURA DAVIDSON

Tel (617) 523-2500
Fax (617) 523-2527
www.sandulligrace.com
jbecker@sandulligrace.com

JOHN M. BECKER
LEIGH A. PANETTIERE
BRYAN C. DECKER
PATRICK N. BRYANT

OF COUNSEL
JAMES T. SWEENEY

BY HAND

January 22, 2010

Martha Lipchitz O'Connor, Esq.
Human Resources Division
One Ashburton Place, Room 201
Boston, MA 02108

RE: Gloucester Superior Officers Association
Attempt to Remove Chief from Civil Service

Dear Attorney O'Connor:

On behalf of my client, the Gloucester Superior Officers Association, MCOP Local 190, AFL-CIO, I would like to thank you for the opportunity to provide information regarding the recent attempt by the City of Gloucester to remove the position of police chief from the protection of civil service law. Based on our research, the City did not follow proper procedure in the recent vote. Specifically, a number of years ago, then City Solicitor Linda Lowe informed the Chief's selection committee that the only way to remove the police chief position from civil service was through a citizens initiative petition. This was because it was a citizens initiative petition that placed the police chief in civil service to begin with. Chapter 9 of the City Charter (which is attached) clearly sets out the procedure for a citizens initiative petition. The 2009 City Council-sponsored referendum was not a citizens initiative petition. Therefore, the attempt to remove the police chief from civil service must fail.

The information provided to you by the City does not contradict this understanding of the events. The handwritten document provided to support the validity of the 1976 vote does not indicate how the ballot question originated. The City has provided no evidence that the method used to put the chief's position in civil service was the same as the method used to remove the position. To fill in this crucial gap, the information provided above is conclusive. Therefore, I urge you to conclude that the City failed to take proper steps to remove the police chief position from civil service.

Thank you for your attention to this matter.

HUMAN RESOURCES DIVISION
2010 JAN 22 P 4:44

Very truly yours,



John M. Becker

Encl.

cc: Suzanne Egan, General Counsel, City of Gloucester
John McCarthy, President, GSOA
Robert Hickey, MCOP Area Vice President
Rick Nelson, MCOP Business Agent

HUMAN RESOURCES DIVISION

2010 JAN 22 P 4:44

2010 JAN 22 P 4:44

ARTICLE 9. FREE PETITION; INITIATIVE; REFERENDUM*

*Code reference--Elections generally, Ch. 7.

Section 9-1. Free Petition.

(a) *Individual Petitions, Action Discretionary* -- The city council and the school committee shall receive all petitions signed by one or more voters and addressed to either of them and may, in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

(b) *Group Petitions, Action Required* -- The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least one hundred-fifty voters. The hearing shall be held by the city council or the school committee, or in either case, by a committee or subcommittee thereof, and the action by the city council or school committee shall be taken not later than three months after the petition is filed with the clerk of the council or secretary of the school committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten petitioners whose names first appear on each such petition at least seven days before the hearing. The city council or the school committee shall publish in one or more local newspapers a general summary of the subject matter of such petitions and a notice stating: (1) the times and places where copies of the citizen petitions are available for inspection by the public, and (2) the date, time, and place not less than two weeks after such publication, when a public hearing on said petitions will be held by the city council or school committee.

Section 9-2. Citizen Initiative Measures.

(a) *Commencement of Proceedings* -- Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or [the] secretary of the school committee[,] as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by not less than ten per cent of the total number of voters. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the registrars of voters as one instrument, with the endorsement thereon of the name and address of the person designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within five days after the filing of said petition[,] the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of voters, and shall attach thereto their certificate showing the result of such examination.

The registrars of voters shall hold the petition and their certificate available for public inspection during ordinary office hours for two full days, and unless written objections to the certificate of the registrars of voters are filed by a voter within said period, the registrars of

voters certificate shall be deemed conclusive. If objections are so filed, they shall be disposed of forthwith in the manner provided by general laws, chapter 53.

If no objections are so filed, the registrars of voters shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the person designated on the petition as filing the same.

(b) *Referral to City Solicitor* -- If the registrars of voters determine that a sufficient number of the signers are voters, the clerk of the council or the secretary of the school committee shall transmit a copy of the petition to the city solicitor. Within fifteen days after his receipt of the petition the city solicitor shall advise the clerk of the council or the secretary of the school committee in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the solicitor's opinion to the person designated on the petition as filing the same and to the first ten petitioners.

(c) *Action on Petition* -- Within thirty days after an initiative petition is presented to the city council or the school committee, and after publication and a public hearing, in the same manner as provided in section 2-11(d) for ordinances and loan orders, the city council or the school committee shall act with respect to the initiative measure by passing it without change, or by rejecting it, or by passing some other measure stated to be in lieu thereof. The passage of a measure in lieu of an initiative measure shall be deemed a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the initiative measure as required by this section within thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth day after presentation. If an initiative measure is rejected, the clerk of the council or secretary of the school committee shall promptly give written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to charter objections as provided in section 2-11(c).

(d) *Supplemental Petitions* -- Within forty-five days after notice of the rejection of an initiative measure has been given by the clerk of the council or secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the registrars of voters. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five per cent of the total number of voters. If the number of signatures to a supplemental initiative petition is deemed sufficient by the registrars of voters, the city council shall provide for submission of the initiative measure to the voters at the next regular city election. The provisions of section 9-2(a) shall apply insofar as applicable to such petition.

(e) *Immediate Submission to Voters* -- If the supplemental initiative petition is signed by a number of additional voters which is at least equal to ten per cent of the total number of voters as aforesaid, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, that if any city election is otherwise to occur within one hundred and twenty-five days after the date of said

certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Publication -- The full text of the measure shall be published in at least one local newspaper at least seven days before the election at which the question is to appear on the ballot.

(g) *Form of Ballot* -- The ballots used when voting upon a proposed measure under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Text of measure or a fair, concise summary prepared by the city solicitor and approved by the registrars of voters) Yes No

(h) *Time of Taking Effect* -- If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

State law reference(s)--Provisions relating to initiative petitions, M.G.L.A. c. 43, § 37 et seq.

Section 9-3. Citizen Referendum Procedures.

(a) *Referendum Petition, Effect on Final Approval* -- If, within twenty-one days after the final approval of any measure by the city council or by the school committee, a petition signed by voters equal in number to at least ten percent of the total number of voters, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the registrars of voters the same shall thereupon and thereby be suspended from taking effect. The city council or the school committee, as the case may be, shall forthwith reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) *Certain Initiative Procedures to Apply* -- The petition described in this section shall be termed a referendum petition and insofar as applicable sections 9-2(a), (b), and (f), shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

State law reference(s)--Provisions relating to referendum petitions, M.G.L.A. c. 43, § 42 et seq.

Section 9-4. Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures:

- (1) proceedings relating to the organization or operation of the city council or school committee,
- (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriations for the payment of the city's debts or obligations, (6) appropriations of funds necessary to implement a

written agreement executed under collective bargaining, (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedure and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

Section 9-5. Submission of Proposed Measure to Voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 9-6. Measures with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 9-7. Advisory Questions to Voters.

At each regular city election there may appear on the ballot up to three non-binding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions.

Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.

Nothing in this section shall preclude the public from initiating an advisory question under General Laws chapter 53 section 18A and article 9 of the city charter.

(Referendum of 11-3-87)

Section 9-8. Recall -- City of Gloucester.

The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: a petition signed by a number of the voters of the city qualified to vote at city elections equal to at least twenty per cent of the aggregate number of registered voters in the city, and demanding an election of a successor of the person sought to be removed, shall be filed in the office of the city clerk. The petition shall contain a general statement of the grounds for which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand, and substantially upon the same grounds; and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence, on the preceding first day of January, giving the street and the street number if any. One signer of every such paper shall make oath upon his information and belief, before a notary public or a

justice of the peace, that the statements therein made are true, and that each signature to the paper is the genuine signature of the person whose name it purports to be.

Within ten days after the date of filing the petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the required number of qualified voters, as above described, and shall attach to the petition a certificate, showing the result of his examination.

If the petition is certified by the city clerk to be sufficient, he shall present the same to the city council without delay, and the municipal council shall call an election so demanded, and fix a date for holding the same, which shall not be less than thirty nor more than forty-five days after the date of the presentation of the petition by the city clerk to the municipal council. The city clerk shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other city elections. The successor of any elected official so removed shall hold the office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at the election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent received the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within five days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of the said election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than that of the person sought to be removed, shall be printed on the official ballots to be used at the election, unless the candidate be nominated as hereinbefore provided, at a preliminary election for nomination.

No recall petition shall be filed against an elected official of said city within three months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

No person who has been recalled from an office in said City of Gloucester, who has resigned from office while recall proceedings were pending against him, shall be appointed to any city office within five years after such removal by recall or resignation. This shall not preclude any person from running for elected office within said city.

(Referendum of 11-5-85)

HUMAN RESOURCES DIVISION

2010 JAN 22 P 4:44

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

January 20, 2010

Mr. John McElhenny
10 Allen Street
Gloucester, MA 01930

Dear John:


Thank you for your interest in serving on the **Open Space Committee**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their February 2, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,


Carolyn A. Kirk
Mayor

cc: Sarah Garcia, Community Development Director
Enclosure
CAK/c

Thank you
John!
This Ctee will
do great things!

EFFECTIVE JANUARY 20, 2010

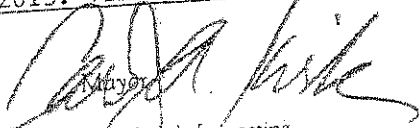
The City of Gloucester, Massachusetts

Dear John McElhenny, 10 Allen Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the Open Space Committee _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE YEAR TERM)

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

7
RECEIVED

JAN 20 2010

Mayor's Office

John McElhenny
19 Allen Street
Gloucester, MA 01930
jmcelhenny@gmail.com
(978) 283-6633

Mayor Carolyn Kirk
City Hall
9 Dale Avenue
Gloucester, MA 01930

Jan. 10, 2010

Dear Mayor Kirk,

I'd like to submit my name for consideration for the Open Space and Recreation Committee. I believe that my professional background as a journalist, editor and public relations professional will help the committee draft the strongest possible Open Space and Recreation Plan for 2010 to 2015.

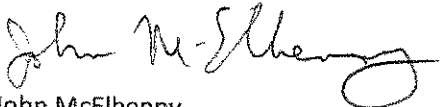
As the father of two children under 4 who spends nearly every weekend at Gloucester's playgrounds and playing fields, I bring an important focus – on the city's recreational spaces and parks, in addition to its woods and wetlands – that deserves a voice on the committee. While I love Ravenswood, Dogtown and Gloucester's other large open spaces, I believe strongly that the city's playgrounds and parks are a valuable resource for many, many Gloucester residents and should not be overlooked as the Open Space and Recreation Plan is drafted.

I know firsthand how important the playgrounds are because I live next to Burnham's Field and see the hundreds of Gloucester residents who enjoy the field every weekend nearly the entire year. Every weekend, weather permitting, my family and I spend time in Burnham's Field and any number of other city playgrounds and parks; Cripple Cove, Stage Fort Park, the Boulevard and the Fort playground are our favorites.

I also believe it's important that the downtown neighborhoods have a representative on the Open Space and Recreation Committee. My family and I live on Allen Street, in Ward 2.

I love Gloucester and would welcome the opportunity to serve on the Open Space and Recreation Committee. Thank you for considering my candidacy.

Best,



John McElhenny

Cc: Sarah Buck, community development director

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

January 21, 2010

Mr. Dean Murray
216 Bray Street
Gloucester, MA 01930

Dear Mr. Murray:

Thank you for your interest in serving on the **Open Space Committee**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (copy enclosed) and be sworn in.

Your appointment will be forwarded to the City Council for their February 2, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Sarah Garcia, Community Development Director
Enclosure
CAK/c

EFFECTIVE JANUARY 21, 2010

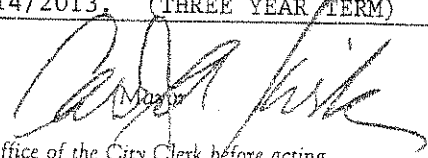
The City of Gloucester, Massachusetts

Dear Dean Murray, 216 Bray Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the Open Space Committee _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE YEAR TERM)

Respectfully,



N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

Dean H. Murray
216 Bray Street
Gloucester, MA 01930
(978) 283-4707

RECEIVED
JAN 11 2010
Mayor's Office

January 6, 2010

Mayor Carolyn Kirk
City Hall
Dale Avenue
Gloucester, MA 01930

Re: Gloucester Open Space Committee

Dear Mayor Kirk,

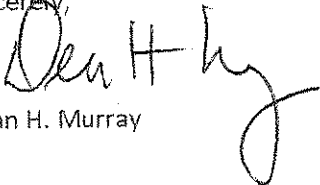
I respectfully request to be included as a member of the Gloucester Open Space Committee. I am a third generation and life-long resident of Gloucester. I graduated from Gloucester High School in 1983 and returned to raise a family after graduating from the University of Maine in 1988. I have been employed by Cape Ann Savings Bank for the past 20 years as a Trust Officer.

In addition to my intimate knowledge of Gloucester and Cape Ann, I would bring the following:

- 15 years on the board of Gloucester Little League (the past 6 as President)
- Understanding of Gloucester's natural resources and need to balance growth and economic development with preservation of wetlands and coastal areas.
- Member of the board of Gloucester Lyceum & Sawyer Free Library
- Knowledge of the needs of Gloucester residents

I welcome the opportunity to be a member of the Gloucester Open Space Committee and appreciate your consideration of my request.

Sincerely,



Dean H. Murray

cc: Sarah Buck

MEMORANDUM

RECEIVED

JAN 27 2010

Mayor's Office

TO: Mayor Carolyn Kirk

FR: Mark Cole, Operations Manager Public Properties

Date: January 20, 2010

Subject: Notice of Proposed Changes to the "Beach and Stage Fort Park Regulations"

Reference: City Charter, Section 7-16.

In accordance with the City Charter, section 7-16, the attached revised "Beach and Stage Fort Park Regulations" is forwarded for review. The revisions represent an attempt to administratively "clean up" the document and to propose changes that reflect "lessons learned" from this past season's operational experiences. All newly proposed operational changes to the current regulations are red-lined in the revised regulations, with changed or deleted sections being blue-lined.

Meetings have been held between Ed Parks, myself, the Treasurers Office, IT Department, and the Police Chief to review and discuss all proposed changes to the Beach Regulations.

Request that this notice of proposed changes be filed with the City Council for approval.

Cc: Michael Hale, DPW Director

Executive Summary of Major Changes to the Beach Regulations

II A. 1 b: Moves a Non-Domiciled residential property owner from Non-Resident sticker status to Resident sticker status (with \$25.00 fee) per 14 July 09 Council vote.

II A. 1 c: Moves a Non-Domiciled Senior Citizen residential property owner from Non-Resident Senior Citizen sticker status to Resident (Senior Citizen) sticker status (with \$25.00 fee) per 14 July 09 Council vote.

II A. 1 d: Establishes a College Student category with resident sticker status (with \$25.00 fee).

II A. 1 e: Moves a Non-Domiciled owner of residential property held in trust, from Non-Resident sticker status to Resident sticker status (with \$25.00 fee) per 14 July 09 Council vote.

II A. 2 e: Eliminates the separate "Essex and Rockport Non-Resident" category and combines it with the "All Other Non-Resident" category (with \$250.00 fee).

II A. 3 b: Clarifies the status of the Senior Citizen sticker with reference to "Resident Sticker Parking Only" areas.

II B 3: Allows a Senior Citizen property owner to purchase a Resident sticker (with \$25.00 fee).

II B. 4: Allows a Senior Citizen to purchase a Resident sticker in addition to their Senior Citizen sticker (with \$25.00 fee).

II B. 8: Allows and restricts the parking of buses and large vans on weekends and holidays at all locations (with appropriate fees).

Appendix A:

1. Parking fees – establishes new fees for buses and large vans on weekends and holidays at all locations.
2. Sticker fees
 - a. Resident sticker – increases the Resident sticker from \$20.00 to \$25.00 for all categories
 - b. Non-Resident sticker – combines the "Essex and Rockport" category into the "All Other" category.
 - c. Senior Citizen sticker – establishes a \$5.00 per sticker annual fee.

BEACH & STAGE FORT PARK REGULATIONS

Effective April 1, 2010

I. Schedule of Operations:

A. Good Harbor & Wingaersheek Beaches

1. Access to Parking Lots:

- a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually
- b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm
- c. Vehicles in beach parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
- d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, mopeds, motorcycles, trucks, dune buggies, and snowmobiles are prohibited on beaches or dunes at Good Harbor and Wingaersheek beaches without authorization.

2. User Fees:

Parking fees may be collected from May 1 to September 30 annually and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm from Memorial Day to Labor Day. Weather permitting, lifeguards may also be on duty weekdays and weekends during May and September.

4. Snack Bars:

Snack bars may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day, weather permitting. Hours of operation shall be from 9:00am to 6:00pm daily.

5. Rest Rooms:

Rest rooms may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day. Hours of operation will be from 8:00am to 8:00pm daily. The restrooms may be closed early during periods of inclement weather when the parking lot is operations are also closed.

6. Bike Racks:

At Good Harbor Beach, bicycles are allowed only at the concession, and at the bike rack on Nautilus Road and not on the footbridge.

B. Stage Fort Park

1. Access to Parking Lots:

- a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually.
- b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm.
- c. Vehicles in parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
- d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, trucks, dune buggies, and snowmobiles are prohibited on beaches and within the enclosed areas of Stage Fort Park without authorization.

2. User Fees:

Parking fees may be collected from May 1 to September 30 annually, and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm, Memorial Day to Labor Day at Half Moon Beach only.

4. Snack Bars:

Not applicable

5. Rest Rooms:

Rest rooms may be open weekends during May and shall be open daily from Memorial Day to Labor Day, 8:00am to 6:00pm; and during special events as required. The restrooms may be open during the months of September and October from 9:00am to 6:00pm daily or to coincide with the hours of operation of the Visitor Center.

6. Permits – Group Functions and Picnic Areas:

- a. Groups of 25 persons or more shall be required to obtain a group permit for the general use of park facilities and the dedicated use of a group picnic area.
- b. Individuals shall be required to obtain a permit for the dedicated use of the Bandstand (Gazebo), Rose Garden, beach areas and group picnic areas.
- c. Designated group picnic areas may be reserved in conjunction with the issuance of a group permit. Group picnic areas are designated as: Area A – the hollow area to the rear (east) of the rest facility building, Area B – the area to the south of Tablet Rock, Area C – the upland area to the far west of the volleyball court.
- d. Catered events may be conducted in the designated picnic areas in conjunction with a group permit.
- e. User fees: see Appendix A.

C. Niles, Pavilion, and Plum Cove Beaches:

1. Parking Restrictions:

There shall be resident sticker parking only in designated areas at Niles and Plum Cove beaches (Ord. – 22-270.1).

2. Open Parking:

Pavilion beach

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, starting Father's Day weekend through Labor Day 9:00am to 5:00pm, Pavilion beach excepted.

D. Closing of Beaches & Parks:

The Director of Public Works, as well as legally-authorized public health or other law enforcement officials, shall have discretion to close city beaches and parks to the public should questions of public health or safety arise. Parking fees will not be refunded. Signs shall be posted during times when beaches are open but there are no lifeguards on duty.

E. Beach and Park Rental:

1. Beaches, parks, playgrounds and other outdoor recreational facilities may be rented out in whole or in part for commercial use and social activities when such use does not conflict with permitted use.
2. User fees: see Appendix A

II. Beach Parking:

A. Sticker Eligibility:

1. RESIDENT STICKER criteria:

- a. Domiciled Residents of Gloucester, verified with vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased.
- b. Non-domiciled Residents of Gloucester who own residential property in Gloucester, verified with a copy of their real estate property tax bill, vehicle registration and a copy of vehicle lease/rental agreement if the vehicle is leased/rented.

- c. Non-domiciled Senior Citizens of Gloucester, who own residential property in Gloucester, verified with a copy of their real estate tax bill, vehicle registration and a copy of vehicle lease/rental agreement if vehicle is leased / rented.
- d. Non-domiciled college student in a full time student status and living at college, verified by a current and valid college identification card, and documentation showing proof of linkage to Gloucester residency.
- e. Legal owner of real estate property held in trust, verified with a copy of the trust document, real estate tax bill, vehicle registration and vehicle lease/rental agreement if vehicle is leased or rented.
- f. Armed Forces Service members stationed in Gloucester, verified with vehicle registration and an official letter from their Commanding Officer confirming permanent residency stationing. Include copy of lease agreement if car is leased.
- g. User fees: see Appendix A.

2. NON-RESIDENT STICKER criteria:

- ~~a. Non-Domiciled Residents who own residential property in Gloucester, verified with a copy of their tax bill and vehicle registration. Include copy of lease agreement if car is leased.~~
- a. Non-Domiciled Residents who rent property; must be for a minimum of 60 days and verified with a lease agreement, vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased..
- ~~b. A residential taxpayer having no residency in Gloucester, verified with a copy of their tax bill and vehicle registration. Include copy of lease agreement if car is leased.~~
- ~~c. Domiciled Residents of Essex and Reekport, verified with vehicle registration and copy of their driver's license. Include copy of lease agreement if car is leased.~~
- b. All other Non-Residents of the City of Gloucester, no more than 200 stickers to be sold annually. Include copy of vehicle registration and lease agreement if car is leased.
- c. User fees: see Appendix A

3. SENIOR CITIZEN STICKER criteria:

- a. Domiciled Senior Citizen Residents of Gloucester, age 65 and older, verified with their vehicle registration and drivers license. Include copy of lease agreement if car is leased.
- b. A Senior Citizen sticker carries residency status for the purpose of parking in "Resident Sticker Parking Only" designated areas.
- c. User fees: see Appendix A

4. GUEST VOUCHER criteria:

- a. Motel, hotel, guest house, camp ground owners, and licensed innkeepers only may receive bulk issue of beach parking guest vouchers for the current season as needed for issue to guests that are actually booked into accommodations at their establishments.
- b. Vouchers will only be issued to establishments that show State Room Tax # or valid Federal Employer ID Number ~~or Social Security Number~~, which ever applies. This procedure is subject to review by the Director of Public Works and abuse may result in revocation of Vouchers.
- c. Vouchers shall be valid for one day only, Memorial Day to Labor Day, 8:00am to 3:00pm. Reduced rates for late arrivals do not apply to Guest Vouchers. Vouchers are non-negotiable and non-transferable.
- d. User Fees: see Appendix A.

B. Issue restrictions:

- 1. All stickers will be issued to a vehicle based on registration and property ownership, and not to a person or residence, except senior citizen stickers.
- 2. Senior citizen stickers will be issued to a qualifying vehicle (based on registration), together with the qualifying individual (based on age) for his/her exclusive use. The qualifying individual must be present in the vehicle for the vehicle to receive exempted admittance. There is a limit of one senior citizen sticker per qualifying individual / vehicle combination.
- 3. A Non-Resident Senior Citizen who otherwise qualifies for a resident sticker as a non-resident property owner, may obtain a resident sticker upon payment of the appropriate resident sticker fee.

4. A Resident Senior Citizen who qualifies for and receives a Senior Citizen sticker, may also receive a resident sticker for the same vehicle upon payment of the appropriate resident sticker fee.
5. Non-Domiciled Gloucester residential property owners may receive a beach sticker for as the owner(s) of record, with a maximum of two stickers per owner.
6. A resident can get a sticker for a company owned car if they have a letter, on company stationary, signed by an officer of the firm, stating the employee has exclusive use of the vehicle. The employee must provide proof of residency.
7. Commercial, industrial, professional, and business property owners do not qualify for Resident Stickers without proof of residency.
8. Personal property ownership does not qualify as real estate property ownership for the purpose of establishing proof of residency.
9. Dealer plates are not acceptable as proof of registration, real estate or property ownership or residency.
10. All stickers shall be permanently affixed to the approved vehicle at the time of issuance. Stickers shall be affixed to the extreme lower left corner of the front windshield or to a driver's side window. ~~Loose stickers will not be honored.~~
11. Loose stickers will not be honored.
12. To prevent confusion, misunderstanding and delays at the parking lot entrance gate, all patrons will be asked to remove all expired stickers.
13. All stickers and guest vouchers are non-transferable and non-negotiable.
14. ~~Stickers expire at the end of the calendar year in which issued, except senior citizen stickers which shall expire in year dates ending in zero and five will be issued in five year increments beginning in 2011 and shall expire in year dates ending in zero and five.~~

C. User Fees:

1. Parking fees: see Appendix A.
2. Sticker and voucher fees: see Appendix A.
3. All user parking fees, once paid, are nonrefundable.
4. Parking user fees shall routinely be collected at the full applicable rate at Stage Fort Park from 8:00am to 4:00pm daily.
5. Parking user fees shall routinely be collected at the full applicable rates from 8:00am to 3:00pm daily at Good Harbor Beach and Wingaersheek Beach. From 3:00pm to 5:00pm a reduced rate of \$10 off the applicable weekday rate and \$10.00 off the applicable weekend/holiday rates shall be collected at both locations in order to fairly equitably accommodate late arrivals. This reduced rate does not apply to Guest Vouchers.
6. When, at the option of the Director, Beach parking fees are collected on the weekdays or weekends before Memorial Day and after Labor Day, there will be a \$10 discount off the applicable daily rate to reflect non-peak season beach conditions.
7. Buses and vans that drop off passengers within the park or beach parking areas shall first pay the applicable parking fee regardless if the parking lot is used or not.
8. All stickers, including seniors, that are lost, stolen, destroyed, missing, confiscated, or invalidated due to a change in plates or registration will be charged a re-issuance fee at the time of application for a replacement sticker.
9. Exemptions: ~~None. domiciled resident senior citizens only, age 65 and older. An issuance fee will be effective in 2011.~~
10. Special Events: The Director of Public Works may establish nominal parking fees for groups, organizations and special events in order to cover the city expenses of conducting the event.

D. Parking Restrictions:

1. Parking restrictions posted in and around beaches, park areas, and the Beach District (Ord. 22-176(b)) will be strictly enforced. Violators may be tagged and towed at owners expense.
2. Unattended children and pets shall not be left in vehicles in the beach and park parking lots.
3. All City beach and park employees (collectors, lot attendants, lifeguards, etc.), contract concession personnel, and contract rest room personnel that are residents of Gloucester, must have a current beach sticker in order to enter and park in the parking lot. Any non-resident employee will need to purchase a "employee pass for non-residents" at the price of a Resident beach sticker. This pass will be valid only on days the employee is working at the beach or park.
4. Employee and contractor vehicles shall be parked in the general use parking lot areas and will not be parked adjacent to concession facilities.
5. Vehicles, public and employee, shall not be parked closer than 30 feet to a collector booth.

6. Reserved parking areas for "resident sticker use only" may be established and made available for dedicated resident use from lot opening time up to 1:00pm daily, at which time the reserved parking areas will revert to unrestricted use.
7. There shall be "resident sticker parking only" on Witham Street, west side, from Thatcher Road to the beach; Niles Beach, westerly side, fronting on the beach; Plum Cove Beach parking lot, adjacent to the ball field; and Folly Cove Beach, between poles #356 and #357 (Ord. 22-270.1).
8. Except when space is reasonably available, the parking of buses at Good Harbor Beach at all times; and at Wingersheek Beach and Stage Fort Park on Saturday, Sunday and Holidays, shall be prohibited.

E. Enforcement:

1. Violation of sticker eligibility criteria and sticker issue restrictions may result in enforcement actions to include sticker confiscation, and/or ineligibility for sticker issuance for one succeeding calendar year.
2. Violation enforcement authority is vested in the Public Properties Operations Manager, Beach Constables, Parking Lot Supervisors of the DPW, and Treasurer/Collector.

III. Miscellaneous Restrictions:

A. Horses:

Horseback riding is prohibited on city beaches and in Stage Fort Park, year round.

B. Games & Sports:

Baseball, softball, football, archery, frisbee tossing, horseshoe pitching, golfing or any other rough-game sports or play is permitted only in areas designated by the Director of Public Works.

C. Inflatable Objects:

Use of inflatable toys, rafts, tubes, mattresses or other inflated objects and the use of all floating objects, except "boogie boards", in the water of all public beaches is prohibited. Boogie Boards will be permitted within the boundaries of a designated area to be located at the far eastern end of the public portion of Good Harbor Beach. A "boogie board" will be defined as a small 19" to 44" soft board comprised of foam, polyurethane, polystyrene, etc., with an attached wrist leash. Floating boards that do not meet this definition are prohibited from use on the beach.

D. Umbrellas, Tents, & Shelters:

Umbrellas must be properly anchored to prevent wind-caused accidents. No tents or shelters are allowed with the exception of sun shades and umbrellas.

E. Airplanes & Helicopters:

No airplanes or helicopters shall be permitted to take off or land from City beaches or park land (other than on official Government business). Violators will be reported to the Federal Aviation Agency.

F. Model Airplanes (Radio Control Aircraft):

Good Harbor Beach Parking Lot

1. Permitted to fly only when beach parking lot is not in operation (no attendant on duty).
2. Restricted to times when pedestrian and vehicle traffic are at a minimum.
3. Not permitted before 8:30am.
4. Shall fly over the parking lot and marsh areas, not the road or beach.
5. Noise levels will be restricted to an acceptable level (non-flow thru, expansion chamber mufflers only).
6. Pilots shall fly in a safe and responsible manner at all times.
7. Pilots will be responsible and liable for their actions.
8. Pilots will abide by regulations in effect and maintain a safe environment.
9. Pilots will be considerate of wetlands and wildlife.

G. Scuba or Skin Diving:

1. At no time will Scuba or skin divers be allowed to use underwater weapons of any type in waters off city beaches.
2. Snorkeling paraphernalia used by non-scuba or skin divers shall be restricted at the discretion of the lifeguards.

H. Boat Launching & Surfing:

1. Boat launching and landing are prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
2. Surfing is prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
3. Boardsailing shall be prohibited at all Gloucester City public beaches subject to the following exceptions:
 - a. At Niles beach, boardsailers may access the southeastern most 75 feet of public beach and shall be prohibited from the harbor channel.
 - b. At Cressey's beach, boardsailers may access only a 75 foot section of the beach located immediately to the west of the drive-through ramp in the seawall and shall be prohibited from the Harbor channel.
 - c. At other public beaches boardsailing is prohibited between 9:00am and 5:00pm daily from Memorial Day to Labor Day.

I. Sand Dune Protection:

Motor vehicles of any kind are prohibited from driving on sand dunes at City beaches. Pedestrian or animal access to Dunes Conservation Areas is strictly prohibited.

J. Audio Devices:

Radios, portable stereos, so-called "boom boxes", etc., are prohibited at City beaches and parks. Personal systems with individual speaker outlets (i.e. ear pieces, walkman, ear phones) are permitted.

K. Pets:

1. Dogs and other pets shall be prohibited from being on all public beaches from May 1 to September 15 of each year. Dogs on public beaches from September 16 to April 30 of each year shall be under direct control of the owner or keeper in accordance with the local Animal Control Ordinance.
2. Dogs and pets in Stage Fort Park shall be under direct control of the owner or keeper by leash at all times in accordance with the local Animal Control Ordinance.

L. Alcoholic Beverages Prohibited:

In accordance with state law and local ordinance, the unpermitted use of alcoholic beverages on all City beaches, parks, playgrounds, ball fields, and parking lots is prohibited. Bottles and glass of any kind are prohibited on city beaches, parks, playgrounds, ball fields, and parking lots.

M. Litter Control:

Rubbish and litter shall be deposited in trash receptacles, dumpsters, and / or bags provided by the City. Littering on city beaches, parks, playgrounds, ball fields, and parking lots is prohibited and punishable by fines up to \$100 per violation. Good Harbor, Wingaersheek, Niles and Plum Cove beaches have instituted a "Carry In - Carry Out" policy. Beach goers must be prepared to take away all trash as there are no longer any trash receptacles on the beach for public use.

N. Conduct and Behavior:

All persons destroying public property or engaging in disorderly conduct will be prosecuted to the full extent of the law. Sleeping or camping on city beaches, parks, playgrounds, ball fields, and parking lots between 9:00pm and 8:00 am is strictly prohibited.

O. Open Fires Prohibited:

Open fires of any type are prohibited on city beaches and Stage Fort Park. Cooking is allowed with either gas or charcoal grills at Stage Fort Park only. All hot coals must be deposited in designated containers.

APPENDIX A

PARKING AND RENTAL FEES ESTABLISHED

1. Parking fees

a. SFP

Passenger car, SW, mini-van	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (+7 seats)	\$15.00 each-weekdays \$20.00 weekends, holidays
Bus (+12 seats)	\$20.00 each-weekdays \$25.00 weekends, holidays
Bus (+25 seats)	\$25.00 each-weekdays \$30.00 weekends, holidays
Guest Voucher	\$5.00 discount off the full daily rate

b. GHB/WING

Passenger car, SW, mini van	
8:00am to 3:00pm	\$20.00 weekdays \$25.00 weekends, holidays
3:00pm to 5:00pm	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (+7 seats)	\$25.00 each-weekdays \$30.00 weekends, holidays
Bus (+12 seats)	\$30.00 each weekdays \$35.00 weekends, holidays
Bus (+25 seats)	\$35.00 each weekdays \$40.00 weekends, holidays
Guest Voucher	\$10.00 discount off the full daily rate

2. Sticker fees:

a. Resident sticker

Domiciled resident	\$20.00 \$25.00
Non-resident property owner	\$20.00 \$25.00
Non-resident Senior Citizen property owner	\$20.00 \$25.00
Non-resident college student	\$25.00
Trust property owner	\$25.00
Stationed Armed Forces Servicemen	\$20.00 \$25.00

b. Non-Resident sticker

Non-domiciled resident (+60 day renter)	\$50.00
Non-resident (Essex and Rockport)	\$100.00
Non-resident (200 available)	\$250.00

c. Senior Citizen sticker

Domiciled resident Senior Citizen (65+)	No charge \$5.00
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d. Re-issue fee

\$5.00

3. Beach and Park Rental fees:

Beach fee: off season (commercial)	\$250.00 daily
Beach fee: in season (Memorial to Labor) (commercial)	\$400.00 daily
Beach fee: non commercial	\$25.00 daily
Stage Fort Park: group area use permit (Sch, YMCA, Camp)	\$25.00 daily
Stage Fort Park: group area use permit -- non catered	\$50.00 daily
Stage Fort Park: group area use permit -- catered	\$200.00 daily
Stage Fort Park: Bandstand (Gazebo)	\$100.00 2 hr max
Stage Fort Park: Rose Garden	\$100.00 2 hr max
Stage Fort Park: off season, commercial	\$250.00 daily
Stage Fort Park: in season, commercial	\$400.00 daily

4. Special Events:

The Director of Public Works may establish nominal parking fees for groups, organizations and special events in order to cover the city expenses of conducting the event.

LAW DEPARTMENT
MEMORANDUM

RECEIVED

JAN 22 2010

Mayor's Office

TO: Carolyn A. Kirk, Mayor

FROM: Suzanne P. Egan *SPE*
General Counsel

RE: City of Gloucester Code of Ordinances section 2-577

DATE: January 21, 2010

The Purchasing Agent has asked this office to request that the Code of Ordinances be amended by deleting Section 2-577 Design Services. Section 2-577 requires competitive bidding process for design services. However, Massachusetts General Law exempts design services from the competitive bidding process. The exemption recognizes that designer services are not appropriate for competitive bidding. Currently, for projects with a designer fee of less than \$25,000, three written quotes are required. For projects over \$25,000 the ordinance requires a request for proposal and designer selection committee and advertising in the newspaper, central register, city website and a city hall posting. It is the Purchasing Agent's opinion, and this office concurs, that this ordinance is unnecessary and causes substantial delay without contributing to the public procurement process. It is also this office's opinion that the ordinance is unnecessary and that in the interest of governmental efficiency the ordinance should be deleted as it merely adds a cumbersome layer that is not required by state law.

Please submit this to the City Council for their consideration.

Enclosure

PUBLIC HEARING #2- PURCHASING

07/11/2006

Legal Notice

NOTICE OF A PUBLIC HEARING

The Gloucester City Council will hold a public hearing on TUESDAY, JULY 11th at 7:00p.m. in the Kyrrouz Auditorium, City Hall relative to the following change to the Gloucester Code of Ordinances as follows:

DIVISION 2 PURCHASING, Sec 2-577, Designer Services

1. Method of Procurement and Requirements

By Adding:

Project	Proposed	Designer Fee Less	Designer Fee \$25,000.00 or more and/or
Type	Ordinance	Than \$25,000	project cost \$100,000.00 or more
Public Works	Procurement method	Solicit 3 written quotes	Request for Proposals
MGL c 30	Designer Selection	NO	Mayor Appointed
	Committee		
	Advertising	No	Newspaper, central register, City website, City Hall Posting

At the Public hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council Robert D. Whynott, City Clerk

GT - 7/3/06

July 11, 2006

City Council Meeting

MOTION: On motion of Councilor Tobey, seconded by Councilor Foote the City Council voted 6 in favor, 2 opposed (Destino, McLeod) to AMEND Gloucester Code of Ordinances, Appendix C: Personnel Ordinance, Article 4 and Section 4-3(e), Appendix A to Appendix C: Classification Plan: Management Classifications and Pay Scales by ADDING: for FY 2006 - Move all minimum ranges of each grade by 8% and move all maximum ranges of each grade by 4.5% AND by ADDING: for FY 2007 - Move all minimum ranges of each grade by 4% and move all maximum ranges of each grade by 4%. **MOTION CARRIES.**

Public Hearing #2 - Amend Division 2 PURCHASING Sec. 2-577, Designer Services – PURCHASING

The public hearing is opened.

Speaking in favor. Everett Brown, Purchasing Agent stated the reason for this is to require a competitive process of bidding for designer services.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. There were no questions.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to AMEND City of Gloucester Code of Ordinances, by ADDING Division 2, Purchasing, Section 2-577 as submitted.

Discussion. Councilor Tobey stated this will fill the only hole there is in the fabric of competitive bidding that state law has left. This will leave us beyond reproach and make sure there are never any allegations of occlusion in the selection of the firms that do this sort of work.

MOTION: On motion of Councilor Tobey, seconded by Councilor Foote the City Council voted 8 in favor, 0 opposed to AMEND City of Gloucester Code of Ordinances, by ADDING Division 2, Purchasing, Section 2-577 Designer Services 1. Method of Procurement and Requirements as submitted. **MOTION CARRIES.**

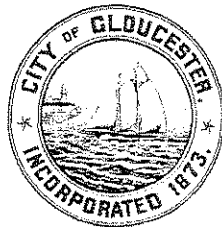
COMMITTEE REPORTS

1. O&A - 06/28/2006

MOTION: The Ordinance and Administration Committee voted 3 in favor 0 opposed to recommend the City Council accept the Amendment to the Waterways Ordinance, Chapter 10, Section 10-51, Regulation of Moorings, Paragraph (i) Violations by adding: Section 10-51 (i) 1. All mooring buoys improperly marked as outlined in Section 4 A. "Mooring Balls" of the Waterways Rules and Regulations shall be subject to an assessment of \$50.00.

Section 10-51 (i) 2. All vessels not properly displaying a mooring identification sticker shall be subject to an assessment of \$50.00.

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ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

TO: City Council
FROM: Mayor Kirk
RE: Reappointments
DATE: January 20, 2010

The following Mayoral reappointments are hereby submitted, to be effective as of February 15, 2010:

POSITION	NAME	TERM EXPIRES
ONE YEAR TERM:		
Chief Administrative Officer	James A. Duggan	2/14/2011
Chief Financial Officer	Jeffrey C. Towne	2/14/2011
General Counsel	Suzanne Egan	2/14/2011
Community Development Director	Sarah Garcia	2/14/2011
Personnel Director	David J. Bain, Jr.	2/14/2011
Purchasing Agent	Donna M. Compton	2/14/2011
Building Inspector	William Sanborn	2/14/2011
TWO YEAR TERM:		
Director of Public Works	Michael B. Hale	2/14/2012
THREE YEAR TERM:		
Principal Assessor	Nancy Papows	2/14/2013

CITY OF GLOUCESTER

Job Description

Title: Administrative Assistant to the Mayor
(Chief Administrative Officer)

Supervisor: Mayor

Grade: M9

Civil Service: Exempt

Union: Exempt

Supervision Exercised: Provides direct supervision to 15 Department Heads and 1 clerical staff in the Mayor's Office. Provides indirect supervision to the operations of all City departments and personnel.

Responsibilities: As the Chief Administrative Officer of the City, responsible for the development and support of the City's management team and the day to day operations and delivery of service throughout City government. Responsibilities include the development of City policies and programs, the provision of constituent services and the bridging of communications with the City Council, School Department, various volunteer boards and other agencies. Also assumes responsibility as Chief Budget Officer.

Duties:

- ♦ Coordinates and supervises the services provided by all City departments and agencies.
- ♦ Conducts a continuing study of the work performed by all City agencies; develops and implements management policies based on this analysis.
- ♦ Prepares programs and ordinance revisions affecting the management of the City in accordance with applicable federal regulations, Mass. General Laws and the City Charter.
- ♦ In the absence of the Mayor, may serve as Acting Mayor. Performs all mayoral functions except those excluded by City Charter (the power to veto measures adopted by the City Council; the power to appoint or remove City officers, Department Heads or members of boards or commissions).
- ♦ Serves as Mayor's point person for communicating, conducting business and negotiating with individual City Councilors or the Council as a whole. Represents the Mayor at all City Council meetings and selected subcommittee meetings.
- ♦ Responsible for the day-to-day administration of the personnel ordinance, personnel regulations and all collective bargaining agreements, other than those entered into by or in behalf of the School Committee.

- ♦ Installs and maintains a centralized purchasing system covering all City agencies.
- ♦ Resolves constituent issues/concerns through direct communications, referrals, meetings, etc.
- ♦ Assumes primary responsibility for the preparation of the City's annual budget; administers operating budget throughout the year.
- ♦ Assists in the development of Capital Improvement budgets, including researching funding sources.
- ♦ Installs and maintains financial management and record-keeping systems.
- ♦ Administers all collective bargaining agreements, other than those entered into by or on behalf of the School Committee. Participates in union negotiations.
- ♦ Produces reports as necessary, i.e., the *City of Gloucester Annual Report*, after reviewing and editing department submissions.
- ♦ Performs any other duties or responsibilities as assigned by the Mayor.

Qualifications:

- ♦ Master's degree in Public Administration, Political Science, Business Administration or related field with five years relevant municipal management experience
- OR
- ♦ Bachelor's degree with ten years municipal senior management experience.
 - ♦ Excellent leadership, communication, conflict-resolution and computer skills required.
 - ♦ Demonstrated skills in budgeting and financial management.
 - ♦ Ability to set priorities and work independently.
 - ♦ Ability to develop and support a high performance, effective management team, including linking City and School Department staff.

revised 2/09

CITY OF GLOUCESTER

Job Description

Title: Chief Financial Officer

Supervisor: Mayor

Grade: M9

Position Status: A permanent full-time position subject to annual re-appointment by the Mayor, as confirmed by City Council.

Civil Service: Exempt

Bargaining Unit: Exempt

Supervision

Exercised: Manages 4 subordinate supervisors and trains as necessary all staff (approximately 11-12) in the following offices: Treasurer/ Collector, Assessors, Purchasing and Payroll. Responsible for the overall direction, coordination, and evaluation of these units.

Responsibilities: The Chief Financial Officer shall serve as the Finance Director for the City of Gloucester. Directs the City's financial planning and management practices as well as its relationship with lending institutions, financial advisors, bond counsel and others associated with the financial community by performing the following duties personally or through delegation to subordinate managers.

Duties:

- ♦ Directs the functions of a municipal treasurer, as stipulated in Massachusetts General Laws. Serves as custodian of funds, securities, and assets of the organization including collecting and accounting for all taxes and revenues; overseeing the disposition of City-owned real property, including the auctioning of foreclosed properties; and evaluating insurance coverage for the City.
- ♦ Responsible for all activities associated with the City's debt service including maintaining on-going relationships with bond counsel and financial advisor, submitting loan orders following MGL parameters; purchasing of short- and long-term instruments; and generating cash flow projections for funded projects in conjunction with the Engineering Department.
- ♦ Prepares and analyzes revenue and debt service projections for City's annual budget.
- ♦ Serves as Finance Team Leader integrating the annual activities of the following departments: Auditing, Assessors, MIS, Purchasing, School Business Office, Personnel (regarding financial implications of employee insurances). Holds monthly finance team meetings
- ♦ Oversees the development and implementation of an integrated Financial Management Information System for all City departments.
- ♦ Coordinates with the City Auditor in providing and directing procedure and systems necessary to maintain proper records and adequate accounting controls and services.

- ♦ Provides financial oversight to all City departments concerning revenue collection systems including Water, Sewer, City Clerk, Parking Clerk, Building Inspector, Community Development, etc.
- ♦ Provides financial oversight and necessary controls to City payroll system and all insurances.
- ♦ Appraises the City's financial position and issues periodic financial and operating reports.
- ♦ Analyzes, consolidates, and directs all cost accounting procedures together with other statistical and routine reports.
- ♦ Directs and analyzes studies of general economic, business, and financial conditions and their impact on the City's policies and operations.
- ♦ Assists as needed with collective bargaining processes. Advises Mayor on financial forecasts and impact of other items of collective bargaining, particularly as related to protective services and schools.
- ♦ Communicates effectively with City officials, administrative staff, residents, vendors, banks, and other potential sources of funds as necessary. Coordinates all City bond rating presentations regarding financial analysis, historical trends and future projections.
- ♦ Enforces Mass. General Laws and other statutory regulations and City ordinances as deemed necessary to fulfill responsibilities of Treasurer, Collector, and Parking Clerk Office.

Qualifications:

- ♦ Master's Degree (MA) or equivalent in relevant business, administration, accounting, or finance field.
- ♦ A minimum of six to ten years related experience demonstrating full knowledge of municipal finance, including debt service management, investments, and receipts.
- ♦ Excellent communication skills with demonstrated expertise in public presentations and written reports.
- ♦ Demonstrated knowledge of governmental accounting principles and procedures, and MIS.
- ♦ A minimum of five years supervisory experience demonstrating skills in delegation, motivation, and team building.
- ♦ Demonstrated skills in advanced problem solving working with abstract and concrete variables.
- ♦ Working knowledge of all laws and regulations related to accounting of public revenues.

revised 2/09

CITY OF GLOUCESTER

Job Description

Title: General Counsel/City Solicitor

Department: Legal Office

Supervisor: Mayor

Supervision Exercised: Assistant General Counsel and Legal Secretary

Grade: M9

Civil Service: Exempt **Union:** Exempt

Responsibilities: Provides the City with all municipal legal services excepting certain School Department matters and municipal bond matters. Uses independent judgment in representing the City's interests and remains responsible for advising and guiding all departments within the municipality on matters of legal compliance.

Duties:

- ♦ Commences and prosecutes all actions by the City before any tribunal in the Commonwealth, whether in law or equity and whether State or Federal.
- ♦ Appears in, defends and advocates the rights and interests of the City wherein any estate, right, privilege, ordinance or act of the City government or any breach of any ordinance, may be brought into question.
- ♦ Appears before the legislature of the Commonwealth, or any committee thereof, whether either or both branches of the same, and there, in behalf of the City, to represent, answer for, defend and advocate the welfare and interests of the City wherever the same may be directly or incidentally affected, whether to prosecute or defend the same.
- ♦ Appears as counsel in the prosecution of violations of City ordinances and regulations in the District Court when requested by the City officials to do so.
- ♦ Drafts or reviews deeds, obligations, contracts, leases, agreements, conveyances and other legal instruments of whatever nature as requested by various officials.
- ♦ When requested, furnishes the City Council and any other officer of the City who may require it in the official discharge of his or her duties with a legal opinion on any subject relating to or affecting the duties of their respective offices. Attends meetings of City Boards and Commissions when requested.

- ♦ Manages all municipal legal affairs and in performing those duties, may refer particular matters to special counsel. Also responsible for the supervision and management of any matter in which a special counsel is required.
- ♦ Performs such other additional powers and professional duties as the City Council may prescribe, including attendance at City Council meetings when requested.
- ♦ Supervises Assistant General Counsel and Legal Secretary.

Qualifications:

- ♦ Bachelor's and J.D. Degrees required.
- ♦ Must be admitted to the bar in Mass. for at least five years.
- ♦ Must be admitted to the United States District Court for Mass.
- ♦ Must have substantial professional experience in at least three of the following:
 - Civil trial practice
 - Appellate practice
 - Administrative law
 - Environmental law
 - Zoning and land use law
 - Public sector labor law
 - Workers' compensation
 - Public contract law
 - Public construction law
 - Drafting legislation and regulations
 - Municipal practice

revised 02/09

CITY OF GLOUCESTER

Job Description

Title: Community Development Director

Supervisor: Mayor

Grade: M9

Civil Service: Exempt

Union: Exempt

Supervision

Exercised: Provides direct supervision to one Division Head: the City Planner, and indirect supervision to staff of approximately seven. As the city's Harbor Plan Coordinator, provides direct liaison to the Seaport Advisory Council, representing the city on matters of the Designated Port and the Harbor Plan. Also provides oversight of the work performed by ten different Boards and Commissions.

Responsibilities: Working closely with the Mayor's Office, develops and implements plans, policies and programs to coordinate the physical growth and economic development of the City. Performs highly responsible work requiring significant initiative and independent judgment relating to the City's economic and community development needs.

Duties:

- ♦ Advise the Mayor on all matters affecting the development of the city.
- ♦ Formulate and recommend to the Mayor and Planning Board specific measures for the development of the city.
- ♦ Review and make recommendations to the City Council regarding measures considered by it which affect the development of the city.
- ♦ Develop and implement economic development strategy as it applies to the waterfront and harbor.
- ♦ Assist the Planning Board in the exercise of its responsibilities and in connection therewith to provide all necessary staff assistance. Provides oversight of all activities of the Planning Division, including the development and implementation of the Master Plan, integration of the Harbor Plan, and all subdivision and zoning matters. Administers revision of zoning bylaws.
- ♦ Assist other multi-member bodies which are involved with the physical development of the city or development of municipal facilities.
- ♦ Maintain an inventory of all city-owned property, rights-of-way, town landings, water bodies, water courses, and waterways, a record of the use to which each is being put and a record of the city agency responsible for the management of it.
- ♦ Integrate the activities of the various divisions in the Community Development Department (Planning, Harbor Development, and Natural Resources) to achieve departmental goals and

objectives. Organize work assignments, operating procedures, and budgets of the different divisions.

- ♦ Provide oversight, assistance and staff support as needed to the following Boards and Commissions: Planning Board, Conservation Commission, Historic District Commission, Capital Improvement Advisory Board, Land Disposition Commission, Historical Commission and Technical Advisory Commission.
- ♦ Assist with the preparation of the Mayor's Capital Improvement Program.
- ♦ Provide customer service and interaction with the public, elected and appointed officials on planning and economic development issues, including downtown revitalization, business retention/attraction, fisheries, the waterfront, industrial parks and transportation.
- ♦ Provide support for the Affordable Housing Trust and for the Community Preservation Act and the TIF committees.

Qualifications:

- ♦ Master's degree in planning or public administration required per City Charter.
- ♦ A minimum of six years increasingly responsible experience in municipal planning, community development or management required.
- ♦ Experience in waterfront development planning preferred.
- ♦ A minimum of 2 years supervisory experience.
- ♦ Demonstrated skills in grant writing, working with federal (HUD) and state regulations, planning and economic development.
- ♦ Excellent communication skills, both oral and written, including skills in public presentation.
- ♦ Ability to interact effectively with the general public, elected appointed officials, staff at all levels of the organization, and consumer boards and commissions.

• *Revised 2/08*

CITY OF GLOUCESTER

Job Description

Title: Personnel Director

Supervisor: Administrative Assistant to the Mayor

Grade: M8

Civil Service: Exempt

Union: Exempt

Supervision

Exercised: Provides direct supervision to Personnel Assistant and Worker's Compensation/Benefits Agent. Provides working guidance to two staff in Payroll Office regarding Human Resource reporting requirements and union contractual payments.

Responsibilities:

Responsible for maximizing employee development and promoting the efficient and cost-effective management of City services; develops and maintains a variety of employee support programs to achieve this objective. Major areas of operation include employment, training, benefits administration, labor relations and record-keeping/reporting. Work is highly complex, requiring significant judgment, independent decision-making and initiative.

Duties:

- Administers the City's comprehensive Personnel Ordinance, including the attendant classification and compensation plans for municipal employees. Submits all recommendations for changes to the Mayor and City Council for approval.
- Formulates issues, amends or revokes subject to the Mayor's approval, policies and administrative regulations for the purpose of giving effect to the provisions of City ordinances and relevant State and Federal regulations governing personnel management.
- Negotiates and administers collective bargaining agreements with municipal unions. Prepares collective bargaining agendas for the approval of the Mayor and Administrative Assistant to the Mayor; serves as Hearing Officer at grievance meetings, Civil Service hearings or other hearings as designated by the Mayor.
- Advises and assists the Administrative Assistant to the Mayor, Department Heads and elected and supervisory officials regarding personnel matters, including the enforcement of collective bargaining agreements, State and Federal laws and personnel policies and procedures.
- Develops and coordinates written guidelines or policies for uniform personnel practices and procedures for City departments.

- ♦ Develops and administers a merit-based recruitment and placement program for municipal employees. Administers employee orientation program.
- ♦ Plans, develops and conducts training programs; promotes staff professional development.
- ♦ Studies classification, assignment and utilization of City personnel and prepares recommendations for approval of Mayor, elected officials and Department Heads.
- ♦ Acts as administrative liaison for City and School Departments regarding Civil Service registration and information. Serves as local Labor Service administrator and enforces Civil Service regulations.
- ♦ Develops and maintains a personnel record system incorporating vital statistics and other pertinent data. Coordinates automated human resources information system (HRIS) with payroll database; prepares all required reports, i.e. EEO-4, census, etc. as required.
- ♦ Develops, establishes and coordinates a municipal employee safety program for the City.
- ♦ Administers all employee and retiree benefit programs, including Workers' Compensation, Unemployment Insurance, Health Insurance, Life Insurance, Deferred Compensation, Section 125 and payroll deduction options, i.e. fitness benefits, United Way contributions etc. Assists the School Department as needed in standard administrative procedures, benefits communications.
- ♦ Develops, establishes and coordinates an affirmative action and equal employment program for the City.

Qualifications:

- ♦ Bachelor's Degree in related field plus five years increasingly responsible experience in human resources management. Prior experience in municipal environment preferred.
- ♦ Advanced training in human resource management preferred. Experience must include a minimum of two years in benefits administration, two years supervisory experience and two years experience in labor/contract negotiations.
- ♦ Excellent organizational and communication skills, both oral and written.
- ♦ Demonstrated skills in negotiations/conflict resolution.
- ♦ Proven skills in budget management.

revised 2/09

CITY OF GLOUCESTER

Job Description

Title: Purchasing Agent

Supervisor: Chief Financial Officer

Grade: M8

Civil Service: Exempt

Union: Exempt

Responsibilities: Responsible for developing and maintaining a centralized purchasing program for the City, including the development and implementation of purchasing procedures, standards, and policies within the scope of existing law and regulations.

Duties:

- Establishes and monitors purchasing procedures for City Departments.
- Oversees bidding process for City contracting of services.
- Negotiates contracts with vendors as a result of bidding process.
- Oversees quantity purchasing of City supplies and equipment.
- Supervises purchasing support staff.
- Fulfills City, state, and other reporting requirements as needed.
- Provides recommendations regarding purchasing and other related procedures to appropriate management staff.
- Serves as Mayor's representative to Design Selection Committee.
- Performs all other duties as requested by supervisor.

Qualifications:

- Bachelors Degree in business or related field plus 2 - 5 years experience in public purchasing environment (7-10 years experience may be substituted for degree requirement)
- Knowledge of general accounting/budgeting procedures
- Working knowledge of purchasing regulations and laws
- One year minimum supervisory experience
- Strong communication and organizational skills required
- Certification in the Mass. Certified Public Purchasing Officials Purchasing Officials Program preferred. Willingness to attain this certification required.
- Familiarity with City of Gloucester purchasing ordinances

CITY OF GLOUCESTER

Job Description

Title: Inspector of Buildings

Supervisor: Administrative Assistant to the Mayor

Grade: M7

Civil Service: Provisional

Union: Exempt

Responsibilities: Performs highly responsible professional work to ensure public safety through the inspection of buildings within the City. As Department Head, administers and supervises all staff in the daily operation of the Inspectional Services Department, assumes responsibility for service delivery, and accomplishes set goals and objectives.

Duties:

- ♦ Administers and enforces the State Building Code, City Zoning Ordinance, Chapter 40A State Zoning, as well as Chapter 22 - Section 13A and the rules and regulations made under the authority thereof.
- ♦ Inspects buildings in the process of construction, alteration or repair to insure compliance with building and zoning code requirements and for the application of safe construction practices.
- ♦ Reviews plans and specifications for building construction and remodeling work.
- ♦ Issues permits for approved applications.
- ♦ Makes reports and keeps records regarding inspections.
- ♦ Reviews subdivision and individual plans, as required, for compliance with zoning regulations.
- ♦ Performs field surveys and assists in interpreting codes and regulations.
- ♦ Inspects places of assembly and other designated occupancies for compliance with codes and regulations.
- ♦ Investigates building and zoning complaints and assists in the preparation of applications for variances, special permits and division of land.
- ♦ Assists the Zoning Board of Appeals with procedures and maintains the Board's budget.
- ♦ Supervises all personnel within the department; assumes fiscal responsibility for the department, including staffing utilization and budgeting.

Qualifications:

- ♦ Minimum five (5) years experience in the supervision of building construction or design or, alternatively, a four year undergraduate degree in a field related to building construction or design.
- ♦ Must have or be able to obtain certification by the State Board of Building Regulations and Standards within 1 and one half years of employment.
- ♦ General knowledge of the quality and strength of building materials.
- ♦ Knowledge of the accepted requirement for building construction, fire prevention, light, ventilation, safe exits and the requirements of Chapter 22 - Sec. 13A.
- ♦ Considerable knowledge of all major types of building construction, materials, methods, and

stages of construction where possible violations and defects may be easily observed and corrected.

- ♦ Considerable knowledge of the laws and regulations relating to building and zoning.
- ♦ Ability to read and interpret plans, specifications and blueprints and the ability to compare them with construction in progress.
- ♦ Ability to detect poor workmanship, inferior materials, and/or potential hazards.
- ♦ Ability to establish and maintain effective working relationship with building owners, contractors, other City employees and the public.
- ♦ Ability to supervise and provide working guidance to staff.

Revised 2/09

CITY OF GLOUCESTER

Job Description

Title: DPW Director

Supervisor: Mayor

Grade: M10

Civil Service: Exempt

Union: Exempt

**Supervision
Exercised:**

Provides direct supervision to five employees responsible for the management of 10 different public works divisions; indirect supervision for a staff of 70.

Responsibilities: Plans, organizes, directs and controls all public works activities and construction projects in the City. Develops and implements all department policies, procedures and programs. Complex, highly responsible duties require the exercise of considerable judgment, initiative and frequent contacts with federal, state and local officials.

Duties:

- Trains, develops, coordinates and supervises a team-oriented staff in the following operational divisions: Highway, Water, Sewer, Public Properties, Solid Waste, Central Services, Cemeteries, Parks and Recreation, Engineering and Water Filtration. Also provides oversight on snow/ice removal and emergency preparedness.
- Manages an operational budget of over \$5 million, a sewer enterprise fund budget of \$4.7 million and a water enterprise fund budget of \$5.8 million. Prepares and maintains capital improvement budget. Establishes goals, objectives and monitoring systems for all public works projects, including all work performed by contractors. Ensures that each project is accomplished within prescribed time frame and budget.
- Provides project management for a multitude of complex public works projects at a given time. Pursues and attains funds from state and federal agencies, including Chapter 90 highway funding. Works with City Engineer in the administration of all public works grants.
- Serves as liaison to City staff and officials, community groups, state and local agencies, the media and the public. Provides information and reports; makes presentations as needed.

- Ensures compliance with all relevant federal and state regulations, including Ch. 30B governing municipal procurement, and all local ordinances.
- Ensures the quality of customer service provided throughout the Department, including follow-up on all customer service calls and requests.
- Develops and maintains systems for efficient DPW service delivery, both in cost and daily operations.

Qualifications:

- Bachelors degree in related field required. Professional Engineer preferred; knowledge of civil engineering, construction design and oversight required.
- Minimum 10 years experience related to public works administration, with a minimum 6 years in a responsible supervisory capacity. An equivalent combination of education and experience may substitute for the above.
- Strong fiscal management skills.
- Ability to establish and maintain effective working relationships with community representatives, elected officials and the general public.
- Demonstrated ability to make decisions and follow-through with necessary detail for successful project management.
- Ability to develop and administer programs and policies relating to both public works activities and labor relations in a union environment.
- Demonstrated organizational and communication skills; customer service skills
- Proven ability to provide emergency coverage 24 hours per day - 7 days per week.
- Mass. Drivers license required.
- Physical ability to move about construction job sites required.
- PC skills preferred.

Revised 2/02

CITY OF GLOUCESTER

Job Description

Title: Principal Assessor

Department: Assessor

Supervisor: Chief Financial Officer

Grade: M8

Civil Service: Exempt **Union:** Exempt

Supervision Exercised: Supervises two Assessors, one Assistant Assessor, and one clerk.

Responsibilities: Performs responsible and highly complex administrative, supervisory and professional work in appraising and assessing real and personal property. Serves as department head, plans, manages, supervises and directs the activities of the Board of Assessors and Assessing Department.

Duties:

- Supervises the appraisal of residential, commercial, industrial and personal property for the municipality. Also responsible for inspection of all properties as necessary. Establishes taxable values of real and personal property with the assistance of the other members of the Board of Assessors according to market data, replacement cost, and/or the income approach. Assumes principal responsibility for revaluing property every three years.
- With the Chief Financial Officer and Auditor, develops short and long-term revenue forecasts required for the fiscal planning of the City.
- In conjunction with the Harbormaster, and the MA Environmental Police, maintains a complete listing of all taxable boats in the City for the purpose of issuing boat excise tax bills.
- Examines deeds, maps, building plans and permits, personal records and market data to obtain additional valuation data and to locate all taxable property.
- Inspects the location of new businesses to determine the values of taxable personal property, such as inventory, machinery, and office machinery and equipment.
- Compiles data and prepares information for the annual classification meeting with the Board of Assessors and City Council.
- Analyzes real estate market conditions and events to determine trends and changes in the market. Collects data from the Planning Board, Building Inspector, Board of Appeals, and other boards/officials whose actions may reflect a change in value.
- Provides leadership, guidance, and direction to the other board members, as appropriate, during the meetings and while performing professional functions. Also responsible for scheduling and dividing their workload, as appropriate.
- In conjunction with other Board members, investigates requests for abatements and exemptions of property tax, prepares comparative cost and

sales studies, and decides on abatement and exemption applications. Testifies on behalf of the Board at hearings before the Appellate Tax Board, and District and Superior Courts.

- Supervises and participates in the preparation of tax rate documentation for state certification.
- Responsible for the design, implementation, and maintenance of the data processing system for the department.
- Provides information in person, on the telephone, and in writing to property owners and other regarding the municipality's assessment policies and procedures, the determination of specific valuations, tax abatements, and exemptions.
- Supervises the commitment of real estate, personal property, motor vehicle and boat excise, and special assessment tax bills to the Chief Financial Officer. Also responsible for coordinating the printing of all tax bills in conjunction with the Chief Financial Officer and MIS Director.
- Supervises the general management and administration of the Assessing Department. Directs and coordinates efforts of staff. Maintains employee discipline within the department, ensuring that employees perform duties in accordance with established laws and operating procedures. Develops and implements training program for employees. Prepares and administers department budget. Purchases equipment and supplies. Supervises the maintenance of department records.
- Attends professional meetings, training programs, and seminars in order to stay abreast of changes or trends in the field and to remain familiar with Massachusetts laws and regulations concerning tax assessments.

Qualifications:

- Bachelor's degree in business administration or related field plus five years of general business experience, including or supplemented by training and experience in real estate appraisal or high school graduation supplemented by courses in real estate appraisal plus eight years of general business experience, at least two of which involve real estate appraisal; or any equivalent combination of education and experience.
- In accordance with Department of Revenue regulations (840 CMR), required to complete the basic course of training and pass the examination prepared by the State Revenue Commissioner within two years following appointment, except as otherwise provided in the statute. A certificate in municipal assessing, with a designation of either Massachusetts Accredited Assessor (MAA), Residential Massachusetts Assessor (RMA), or certified Massachusetts Assessor (CMA) is preferred.
- Working knowledge of Massachusetts laws relating to municipal finance and property assessment for tax purposes.
- Familiarity with alternative formulas for determining assessment on various types of property.
- Familiarity with real estate styles, materials, and methods of construction.
- Working knowledge of computerized appraisal systems.
- Aptitude for working with numbers and details.
- Knowledge of mapping procedures.
- Excellent verbal and written communication skills.

- Ability to interpret considerable data, refine methods and techniques, and maintain detailed and accurate records of decisions.
- Ability to represent the City effectively and defend the City's position in a variety of situations requiring knowledge, negotiation skill, diplomacy and tact.
- Demonstrated administrative skills including providing effective supervision

revised 11/21/03



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-003
COUNCILLOR: Anne Mulcahey

DATE RECEIVED BY COUNCIL: 02/02/2010
REFERRED TO: TC &O&A
FOR COUNCIL VOTE:

ORDERED that Section 22-269 "Stop Intersections" of the Gloucester Code of Ordinances be amended by

ADDING: Stop sign southeast corner at Prospect and Main Streets (Flanagan Square)

Councilor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-004
COUNCILLOR:	Anne Mulcahey

DATE RECEIVED BY COUNCIL:	02/02/2010
REFERRED TO:	TC &O&A
FOR COUNCIL VOTE:	

Ordered that the GCO Sec. 22-270. "Parking prohibited at all times" be amended by

DELETING: Commercial Street, northeasterly side, from a point at the southeasterly corner of the entrance to the Progressive Oil Company to a point 100 feet southeasterly therefrom

AND ADDING: Sec. 22-292. "Fire Lanes". Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (Pole # 3707) at the entrance to Ocean Crest Fisheries to a point 100 feet southeasterly therefrom. (the length of the concrete wall)

Councilor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-005
COUNCILLOR: Paul McGeary

DATE RECEIVED BY COUNCIL: 02/02/2010
REFERRED TO: TC &O&A
FOR COUNCIL VOTE:

Ordered that Sec. 22-287 of the Gloucester Code of Ordinances be amended by adding:

one handicapped space in front of 12 Webster Street

Councilor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-008
COUNCILLOR: Ann Mulcahey

DATE RECEIVED BY COUNCIL: 02/02/2010
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

Ordered that Section 22-287, entitled "Disabled Veterans/Handicapped parking" of the Gloucester Code of Ordinances be amended by adding:

Across from 11 School St., one parking space

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinance and Administration committee for review, recommendation and measurements.

Councillor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-007
COUNCILLOR: Bruce Tobey

DATE RECEIVED BY COUNCIL: 02/02/2010
REFERRED TO: O&A
FOR COUNCIL VOTE:

Ordered that the Ordinances and Administration and City Council together with the City Clerk begin the process required by Section 10-1(b) of the City Charter to review the Charter in order to submit a report to the full City Council concerning proposed amendments or revisions to the Charter.

Councillor Bruce Tobey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER: #CC2010-009
COUNCILLOR: Greg Verga and Bob Whynott

DATE RECEIVED BY COUNCIL: 02/02/2010
REFERRED TO: O&A
FOR COUNCIL VOTE:

Ordered that the City Council investigate the possibility and procedure to consolidate the number of polling locations from 10 to 1 - 3 central locations.

Councillor Greg Verga
Councillor Bob Whynott

ORDINANCES & ADMINISTRATION COMMITTEE

February 8, 2010

12. Memo from CAO and RFP “To Provide Public Relations, Communications and Media Support for City – Update

This item is found on the City Website under the Ordinances & Administration Agenda Packet for January 11, 2010 and is also on file in the City Clerk’s Office